



COURT UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DISTRICT OF NEW YORK

MORGAN STANLEY & CO. INCORPORATED

against

MICHAEL M. KOWNACKI

Plaintiff(s)

Defendant(s)

Index No. 07 CIV 7836

**AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)
SEE ATTACHED RIDER**

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at WAYNE, NEW JERSEY
That on 9/11/07 at 7:49 A.M., at 2215 HILLTOP ROAD, MAHWAH, NEW JERSEY
deponent served the within ~~summons and complaint~~ on MICHAEL M. KOWNACKI defendant therein named,
SEE ATTACHED RIDER

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

5A. said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

5B. in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION USE WITH 1, 2, OR 3 Male White Skin Black Hair White Hair 14-20 Yrs. Under 5' Under 100 Lbs.
 Female Black Skin Brown Hair Balding 21-35 Yrs. 5'0"-5'3" 100-130 Lbs.
 Yellow Skin Blonde Hair Mustache 36-50 Yrs. 5'4"-5'8" 131-160 Lbs.
 Brown Skin Gray Hair Beard 51-65 Yrs. 5'9"-6'0" 161-200 Lbs.
 Red Skin Red Hair Glasses Over 65 Yrs. Over 6' Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient *wore ordinary civilian clothes and no military uniform*. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
9/12/07

JOHN DICANIO
Notary Public, State of New York
No. 01D14977768
Qualified in Westchester County
Commission Expires Feb. 11, 2011

PRINT NAME beneath signature

PETER FELDMAN

License No. 797824

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 07 CV 7836

MORGAN STANLEY & CO. INCORPORATED

Petitioner,

RIDER TO AFFIDAVIT
OF SERVICE

v.

MICHAEL M. KOWNACKI

Respondent.

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List of Documents served:

- Petition For Confirmation Of Arbitration Award;
- Corporate Disclosure Statement For Petitioner Morgan Stanley & Co. Incorporated;
- Individual Practices Of Hon. Richard M. Berman;
- Individual Practices Of Magistrate Judge Eaton;
- Procedures For Electronic Case Filing;
- Amended Instructions For Filing An Electronic Case Or Appeal;
- Guidelines For Electronic Case Filing;
- Notice Of Morgan Stanley's Petition For Confirmation Of Arbitration Award; and
- Declaration Of Lee Ann Stevenson.